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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,927	08/31/2000	Theodore W. Meyers		4367

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MARSHALL, O'TOOLE, GERSTEIN, MURRAY & BORUN
6300 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO, IL 60606-6402

EXAMINER

LUGO, CARLOS

ART UNIT PAPER NUMBER

3676

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,927

Applicant(s)

MEYERS, THEODORE W.

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on March 25, 2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1,4,6 and 19 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 901,545 to Morrison in view of US Pat No 4,690,632 to Carrow.

Regarding claim 1, Morrison discloses a tee (16) comprising a cylindrical main body portion (a) defining a tubular opening adapted to receive a filter.

A cylindrical uppermost hub (above where a⁵ is pointing in Figure 7) is coaxially with the cylindrical main body portion. The uppermost hub includes an inner diameter greater than the diameter of the cylindrical main body portion.

An inlet/outlet port (a³) is in communication with the tubular opening. The inlet/outlet port includes an inlet/outlet hub (26), located at an open end of the port, having a diameter sized to receive a pipe. The diameter of the inlet/outlet hub is greater than the diameter of the cylindrical main body portion. The inlet/outlet port is adaptable to receive a pipe (Figure 1).

However, Morrison fails to disclose that the tee is made of an injection molded plastic. Morrison discloses that the tee is made of metal.

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Carrow teaches that it is well known in the art that in recent years, injection-molding plastic is used to produce tubular articles, such as pipes and pipe-fittings.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to produce the tee presented by Morrison of an injection molding plastic, as taught by Carrow, since the selection of a known material based upon its suitability for the intended use is a design consideration within the level of skill of one skilled in the art. Further, it would have been obvious to combine the device presented by Morrison with the teachings of Carrow in order to offer certain advantages over metal pipes or metal pipe-fittings, like corrosion resistance and potentially lower material and production costs.

As to claim 4, Morrison illustrates that the inlet/outlet port includes a sweep portion arcing upwardly from the cylindrical main body portion toward a ring defined by the inlet/outlet hub. The sweep portion defines an opening in communication with the tubular opening and the inlet/outlet hub (Figure 1).

As to claim 6, Morrison discloses the use of a reducer (Figures 1 and 8).

As to claim 19, Morrison illustrates that the outlet opening of the inlet/outlet port is located along a length between the lowermost end and the uppermost hub, but near to the uppermost hub.

- 4. Claims 1-5,19,21 and 23 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,633,943 to Ramm in view of US Pat No 4,690,632 to Carrow.

Regarding claims 1 and 23, Ramm discloses a tee comprising a cylindrical main body portion (2) defining a tubular opening adapted to receive a filter.

A cylindrical uppermost hub (at 22 in Figure 1) is coaxially with the cylindrical main body portion. The uppermost hub includes an inner diameter greater than the diameter of the cylindrical main body portion.

An inlet/outlet port (8) is in communication with the tubular opening. The inlet/outlet port includes an inlet/outlet hub (at 22 near 8), located at an open end of the port, having a diameter sized to receive a pipe. The diameter of the inlet/outlet hub is greater than the diameter of the cylindrical main body portion. The inlet/outlet port is adaptable to receive a pipe (Figure 1).

However, Ramm fails to disclose that the tee is made of an injection molded plastic. Ramm discloses that the tee is made of a resin.

Carrow teaches that it is well known in the art that in recent years, injection-molding plastic is used to produce tubular articles, such as pipes and pipe-fittings.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to produce the tee presented by Ramm of an injection molding plastic, as taught by Carrow, since the selection of a known material based upon its suitability for the intended use is a design consideration within the level of skill of one skilled in the art.

As to claim 3, Ramm illustrates that the device further includes seams (at 22, Figure 2) coextending with the first and second ribs.

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As to claim 4, Ramm illustrates that the inlet/outlet port includes a sweep portion arcing upwardly from the cylindrical main body portion toward a ring defined by the inlet/outlet hub. The sweep portion defines an opening in communication with the tubular opening and the inlet/outlet hub (Figure 1).

As to claims 2 and 21, Ramm discloses that the first and second ribs (at 22 and 36) extending outwardly from an outer wall of the elongated main body portion and the uppermost hub (Figure 3).

As to claim 19, Ramm illustrates that the outlet opening of the inlet/outlet port is located along a length between the lowermost end and the uppermost hub, but near to the uppermost hub.

5. **Claims 2,15,17,18,21 and 22 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 901,545 to Morrison in view of US Pat No 4,690,632 to Carrow as applied to claim 1 above, and further in view of US Pat No 1,052,198 to Wyre.

Regarding claims 2,15,21 and 22, Morrison, as modified by Carrow, fails to disclose that the tee includes reinforcing ribs.

Wyre teaches that it is well known in the art to have metal pipes with reinforcing ribs (2 and 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate reinforcing ribs, as taught by Wyre, into the tee described by Morrison, as modified by Carrow, in order to strength the pipe fitting.

As to claims 17 and 18, Morrison discloses that a pipe is received within the inlet/outlet port with a reducer bushing.

6. **Claim 6 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,633,943 to Ramm in view of US Pat No 4,690,632 to Carrow as applied to claim 1 above, and further in view of US Pat No 901,545 to Morrison.

Ramm, as modified by Carrow, fails to disclose the use of a reducing bushing or reducer in the inlet/outlet port.

Morrison teaches that is known in the art to have a tee adapted to receive a pipe of a first or second outer diameter (by using a reducer as illustrated in Figure 8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of a device that helps to receive a first or a second outer diameter into the inlet/outlet hub, as taught by Morrison, into a tee as described by Ramm, as modified by Carrow, in order to adapt a bigger and larger filter and to adapt different pipes with different outer diameters.

7. **Claim 16 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 901,545 to Morrison in view of US Pat No 4,690,632 to Carrow and US Pat No 1,052,198 to Wyre as applied to claim 15 above, and further in view of US Pat No 4,798,028 to Pinion.

Morrison, as modified by Carrow and Wyre, fails to disclose an efficient filter inside the main body. Morrison device is capable of receiving a filter.

Pinion teaches that it is well known in the art to have a filter (15) located inside a main body (12) of a pipefitting (10).

It would be obvious to one having ordinary skill in the art at the time the invention was made to incorporate into the tee of Morrison, as modified by Carrow and Wyre, a filter, as taught by Pinion, in order to filter the fluid that flows in the pipe system.

8. **Claim 20 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 901,545 to Morrison in view of US Pat No 4,690,632 to Carrow as applied to claims 1,4 and 19 above, and further in view of US Pat No 4,798,028 to Pinion.

Morrison, as modified by Carrow, fails to disclose an efficient filter inside the main body. Morrison device is capable of receiving a filter.

Pinion teaches that it is well known in the art to have a filter (15) located inside a main body (12) of a pipefitting (10).

It would be obvious to one having ordinary skill in the art at the time the invention was made to incorporate into the tee of Morrison, as modified by Carrow, a filter, as taught by Pinion, in order to filter the fluid that flows in the pipe system.

Response to Arguments

9. Applicant's arguments filed on March 25, 2005 have been fully considered but they are not persuasive.

Applicant's amendment, adding the limitation of having the tee members are made of an injection molded plastic, overcomes the previously rejection to claims 1-6 and 15-23. However, a new ground of rejection is made in view of Morrison or Ramm, as modified by Carrow.

As to applicant's arguments concerning the affidavits (Page 11 Line 9), the examiner maintains his position that they were not persuasive to overcome any

rejection. As stated in the last Office Action, the applicant explains how the sales of his product "increase". However, the applicant fails to explain why the sales increase. Also, the applicant fails to demonstrate his invention with respect to other devices that are in the market. Therefore, the affidavits are not persuasive to overcome any rejection.

Conclusion

10. Applicant's amendment, that the main body is an injection molded plastic main body and that the uppermost hub is an injection molded plastic uppermost hub, as claimed in claims 1, 15 and 23 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 9-6pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

CL

Carlos Lugo
AU 3676

June 3, 2005.

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, looped initial "D".

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600